Chad Austin, Esq. SBN 235457
3129 India Street
San Diego, CA 92103-6014
Telephone: (619) 297-8888
Facsimile: (619) 295-1401

Attorney for Plaintiff, JAMES M. KINDER, an individual

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JAMES M. KINDER, Plaintiff, v. HARRAH'S ENTERTAINMENT, Inc. and DOES 1 through 100, inclusive, Defendants.	Case No. 07 CV 2226 DMS (AJB) Judge: Hon. Dana M. Sabraw Mag. Judge: Hon. Anthony J. Battaglia **DECLARATION OF CHAD AUSTIN IN SUPPORT OF PLAINTIFF'S MOTION TO FILE FIRST AMENDED COMPLAINT** Date: January 25, 2008 Time: 1:30 p.m. Courtroom: 10

I, CHAD AUSTIN, declare as follows:

1. I am an attorney at law duly licensed and admitted to practice before all courts of the State of California, the United States District Court, Southern District of California and the Ninth Circuit Court of Appeals and have been attorney of record for Plaintiff in this matter since its inception. If called as a witness, I could and would competently testify to all facts within my personal knowledge except where stated on information and belief.

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2. I am fully familiar with all of the facts and circumstances surrounding this case. This declaration is submitted in support of Plaintiff's Motion to File First Amended Complaint. The matters stated in this declaration are true, of my own personal knowledge.

3. I have personally listened to the tape recordings of each and every call (7 in total) made by Defendant to Plaintiff's number assigned to a paging service 619-999-9999.

4. One of the 7 calls made to Plaintiff's number assigned to a paging service, which was made on December 9, 2003 at 10:19 a.m., was what clearly appeared to be a prerecorded telemarketing call which stated that it was made on behalf of "Harrah's Rincon Casino." That casino is located in Valley Center, San Diego County, California. My investigation has revealed that the Harrah's Rincon Casino is owned by the Rincon band of Mission Indians and operated by one or more of several Harrah's entities, including but not necessarily limited to HARRAH'S ENTERTAINMENT, Inc. (a Delaware corporation), HARRAH'S OPERATING COMPANY, Inc. (a Delaware corporation), HARRAH'S MARKETING SERVICES CORPORATION (a Nevada corporation) and HARRAH'S LICENSE COMPANY, LLC (a Nevada limited liability company).

5. My investigation of public title documents has revealed that HARRAH'S LAUGHLIN, Inc. (a Nevada corporation) owns "Harrah's Laughlin Casino." Two (2) of the unlawful prerecorded telemarketing calls complained of in this action were calls promoting the Harrah's Laughlin Casino in Laughlin, Nevada.

6. My investigation of public title documents has revealed that HARRAH'S OPERATING COMPANY, Inc. owns "Harrah's Las Vegas Casino." Two (2) of the unlawful prerecorded telemarketing calls complained of in this action were calls promoting the Harrah's Las Vegas Casino in Las Vegas, Nevada.

7. My investigation of public title documents has revealed that HBR REALTY COMPANY, Inc. (a Nevada corporation) owns "Harrah's Council Bluffs Casino." One (1) of the unlawful prerecorded telemarketing calls complained of in this action was a call promoting the Harrah's Council Bluffs Casino in Council Bluffs, Iowa.

8. One (1) of the unlawful prerecorded telemarketing calls complained of in this action was a call promoting the Harrah's Metropolis Casino in Metropolis, Illinois. I do not yet know which Harrah's entity or entities own Harrah's Metropolis Casino, but I believe that owner to be HBR REALTY COMPANY, Inc., the same entity who owns Harrah's Council Bluffs Casino.

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9. I visited each of the websites for the Harrah's Casinos (Harrah's Laughlin Casino, Harrah's Las Vegas Casino, Harrah's Rincon Casino, Harrah's Metropolis Casino and Harrah's Council Bluffs Casino). Each of those websites lists at the bottom of the page "© 2007 Harrah's License Company, LLC. All rights reserved." Therefore, I am informed and believe that Harrah's License Company, LLC is or may be a necessary party to this action.

I declare under penalty of perjury under the laws of the State of California and the laws of the United States that the foregoing is true and correct and that this declaration was executed by me on December 28, 2007 in San Diego, California.

DATED: December 28, 2007

By: /s/ Chad Austin
CHAD AUSTIN, Esq., Attorney for
Plaintiff, JAMES M. KINDER
Email: chadaustin@cox.net